

STATE OF HAWAII
Department of Land and Natural Resources

December 11, 2009

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

- ITEM H: ADMINISTRATIVE ITEMS RELATING TO RECREATIONAL
RENAISSANCE PLAN B:
- H-1 REQUEST FOR FINAL APPROVAL TO ADOPT PROPOSED HAWAII
ADMINISTRATIVE RULES, CHAPTER 13-146, RELATING TO STATE
PARKS SYSTEM;
- H-2 REQUESTING APPROVAL OF THE REDUCTION OF COMMERCIAL
PARKING FEES AT THE NU‘UANU PALI STATE WAYSIDE;
- H-3 REQUEST FOR FINAL APPROVAL TO ADOPT PROPOSED HAWAII
ADMINISTRATIVE RULES, CHAPTER 13-121, RULES REGULATING THE
HUNTING OF WILDLIFE ON PUBLIC LANDS AND OTHER LANDS;
- H-4 REQUEST FOR FINAL APPROVAL TO REPEAL HAWAII
ADMINISTRATIVE RULES CHAPTER 13-125, RULES REGULATING
WILDLIFE SANCTUARIES, AND ADOPT CHAPTER 13-126, RULES
REGULATING WILDLIFE SANCTUARIES;
- H-5 REQUEST FOR FINAL APPROVAL TO ADOPT PROPOSED HAWAII
ADMINISTRATIVE RULES, CHAPTER 13-234-1, 13-234-3, 13-234-5, AND
13-241-25 RELATING TO DIVISION OF BOATING AND OCEAN
RECREATION.

INTRODUCTION

The Department submitted its initial proposal to the Board on August 14, 2009 with a draft of amendments to Division of State Parks (DSP), Division of Boating and Ocean Recreation (DOBOR), and Division of Forestry and Wildlife (DOFAW) Hawaii Administrative Rules relating to the Recreational Renaissance plan B, and received the Board's authorization to hold public hearings subject to the approval by the Governor.

Following authorization from the Board, the Department obtained initial approval as to form from the Department of the Attorney General to hold public hearings on these proposed rules and amendments. The proposal was then submitted to the Governor's Office, Department of Budget and Finance, Department of Business and Economic Development and Tourism, and the Small Business Review Board (SBRRB) concurrently.

At the September 23, 2009 SBRRB meeting, the Department presented an overview of the Recreational Renaissance Plan B and the proposed rule amendments. The SBRRB recommended that the proposed rule amendments proceed to public hearings. Following that, the Governor of Hawaii, Honorable Linda Lingle, approved the Departments request to hold public hearings.

From November 3 – 9, 2009, the Department conducted statewide public hearings, which are detailed further in the following paragraph. On November 13, 2009, the Department presented the Recreational Renaissance Plan along with Plan B and the proposed Rules and Rule amendments to the Hawaii Tourism Authority (HTA). After the presentation, HTA Board members voted to amend their agenda to take action officially voting to support the modified Recreational Renaissance Plan.

On November 18, 2009, the Department reported back to the SBRRB with their post-hearing statements which provided a recap of the comments received during the public hearing process. The SBRRB determined there was minimal impact to small business and voted to recommend the DSP, DOFAW- Public Shooting Ranges, and Wildlife Sanctuaries Rules amendments for adoption by the Governor. The SBRRB determined the Rule amendments to DOBOR Rules were a minimal impact to small business given the structure of the commercial rates for moorings. The SBRRB voted to recommend the DOBOR Rules for review before the Land Board and to the Governor, and requested the Division to provide financial audits of the last three years. Since then documentation has been provided to the SBRRB members.

PUBLIC HEARINGS

A series of seven (7) public hearings were held in November 2009 on all major islands of the state. Legal notice of the public hearings was published in the Sunday, October 4, 2009 editions of the Star Bulletin, Maui News, Kauai Garden Island, Hawaii Tribune Herald, and the West Hawaii Today. Additional media coverage appeared in the Honolulu Advertiser, Star Bulletin, Maui News, and Molokai Dispatch. The Chairperson in an October 19, 2009 memorandum designated hearings officers.

In total, the Department received testimony from 278 individuals and entities (87 comments at hearings and 191 submitted via written testimony). In total, 264 individuals attended the statewide public hearings. Attendance for each meeting is as follows: Kauai – 79, Oahu – 77, Maui – 39, Hilo – 31, Kona – 20, Molokai – 10, Lanai – 8. Attachment 3 provides further information regarding the oral testimony received at the public hearings.

A discussion of comments received is included in the Public Input portion of each Item H submittal pertaining to the rule amendments. To provide an overview, Table 1 identifies common comments by topic. Some testifiers included comments on several rules, therefore, totaling the comments categorized below will not equal the reported number of testimony received from individuals and entities. Additionally, it was possible for individuals and entities to submit oral testimony as well as written testimony.

Table 1

<u>Division</u>	<u>Topic</u>	<u># of Written comments</u>	<u># of Oral comments</u>	<u>Total # of comments</u>
All	All Rule packages	3	1	4
DSP	Entry fee	27	22	49
DSP	Parking fee *	38	-	38
DSP	Historic Preservation /Burials	0	2	2
DSP	Animals	0	1	1
DSP	Motorized Use	0	1	1
DSP	Payment methods	1	0	1
DOFAW	Public Shooting Ranges	3	5	8
DOFAW	Wildlife Sanctuaries Conservation	48	2	50
DOFAW	Wildlife Sanctuaries Kayak Permits	15	2	17
DOFAW	Wildlife Sanctuaries including Kapapa Islet	12	5	17
DOBOR	Mooring \$3.47 increase	12	4	16
DOBOR	Temporary Mooring rates	29	16	45
DOBOR	Registration fees	7	0	7
DOBOR	All rules under discussion	7	36	43

* Setting a parking fee was not part of the proposed administrative rule package presented at the public hearings; however, many members of the public submitted comments regarding the parking fee. The Board already has authority pursuant to 13-146-5 to set parking fees in State Parks. The Board set the current rates at the August 14, 2009 Board meeting.

ATTACHMENTS

- Attachment 1: Small Business Regulatory Review Board pre-hearing recommendation.
- Attachment 2: Public Hearing Format/Talking Points.
- Attachment 3: Summary of Oral Testimony received at public hearings.
- Attachment 4: Written Testimony received at public hearings, mail, or e-mail.
- Attachment 5: Recreational Renaissance Plan B Public Hearings Media Coverage.

Amended rules are attached in ramseyer format as:

- Attachment 6: Proposed amendments to Chapter 13-146, Hawaii Administrative Rules relating to State Parks.
- Attachment 7: Proposed amendments to Chapter 13-121, Hawaii Administrative Rules regulating the hunting of wildlife on public lands and other lands, as amended after public hearing.
- Attachment 8: Proposed amendments to Chapter 13-126, Hawaii Administrative Rules regulating wildlife sanctuaries as amended after public hearings (adopts Chapter 13-126 to repeal current rules in Chapter 13-125).
- Attachment 9: Proposed amendments to Chapter 13-234-1, 13-234-3, 13-234-5, and 13-241-25, Hawaii Administrative Rules relating to the Division of Boating and Ocean Recreation as amended after public hearings.
- Attachment 10: Summary of Recommendations.